

RCRA Inspection Report

1) Inspector and Author of Report

Alan Newman
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W. Phone: (404) 562-8589
Atlanta, Georgia 30303 Email: newman.alan@epa.gov

2) Facility Information

First Chemical Corporation/Oleo-x
1001 Industrial Road
Pascagoula, Mississippi 39581
Jackson County

EPA ID: MSD033417031

3) Responsible Officials

Joe Wildman, Plant Operations
Oleo-x
(228) 217-1286
jwildman@oleo-x.com

4) Inspection Participants

Greg Hust	Oleo-x
Mike Ivy	Oleo-x
Joe Wildman	Oleo-x
Malcolm Jones	Oleo-x
John Ruggles	Indevco
Rick Sumerall	Allen Engineering and Science
William Rider	Mississippi Department of Environmental Quality (MSDEQ)
Alan Newman	US EPA, Region 4

5) Date and Time of Inspection

July 12, 2022, 8:15 a.m. (CDT) – 5:00 p.m. (CDT)

6) Applicable Authority

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), and 40 Code of Federal Regulation (C.F.R.) Parts 260 - 270, 273, 278, & 279; Mississippi Code of 1972, Miss. Code Ann. § 17-17-1 *et seq.*, and Mississippi Hazardous

Waste Management Regulations, 11 Miss. Admin. Code Pt. 3, R. 1.1-1.24; and Hazardous Waste Permit MSD033417031.

As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

Hazardous Waste Permit MSD033417031 effective since March 22, 2004. Although, this permit expired on February 28, 2014, it is still active until MDEQ issues the permit renewal. On March 13, 2009, MDEQ issued to First Chemical Corporation (FCC) an Air Pollution Control Title V Permit (Permit # 1280-00022), which controls the operation of FCC's hazardous waste incinerator.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.17], a LQG may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 17-17-27(4) of the Mississippi Code of 1972, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.17] (hereinafter referred to as the "LQG Permit Exemption").

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by Section 17-17-27(4) of the Mississippi Code of 1972, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.16(b) or §262.17(a)], except as required in 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.21 [40 C.F.R. § 273.9], a small quantity handler of universal waste (SQHUW) is a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine FCC compliance with the applicable requirements of RCRA and the corresponding Mississippi regulations and hazardous waste permits. This was an EPA lead inspection.

8) Previous Inspection History

On November 19, 2019, the EPA and MSDEQ conducted the most recent RCRA CEI at the subject facility and found one apparent violation of RCRA's requirements for failing to close satellite accumulation area container which was corrected on the day of the inspection.

This facility was previously inspected on April 22, 2019, by the EPA and MDEQ. The agencies alleged the following deficiencies:

- Failure to inspect the central accumulation area where the spent carbon tanker is parked
- Failure to repair groundwater monitoring well 48
- Failure to date a hazardous waste container
- Failure to maintain secondary containment structure free of debris
- Failure to update contingency plan emergency contact information and to develop a quick reference guide

These violations were resolved with documentation on May 22, 2019.

9) **Facility Description**

First Chemical occupies 60 acres of which 23 acres have been developed for production. The facility has been in operation since 1967, and operates 6:30 am - 4:30 pm, 5 weekdays and a security officer is present 24 hours per day, 365 days per year. There are approximately 12 employees working at the site on the day of the inspection. The site is fenced and requires entrance through metal turnstiles with approval from the security office.

FCC's most recent Hazardous Waste Generator Notification (EPA Form 8700-12) dated February 25, 2022, characterized the facility as a large quantity generator (LQG) and treatment, storage, and disposal facility (TSDF) of hazardous waste. RCRA activity at the facility is regulated by the MDEQ permit referenced above which addresses the operation of four hazardous waste storage tanks and a 32.0 MMBTU/Hr (Million British Thermal Units per Hour) natural gas-fired hazardous waste liquid incinerator. Routine hazardous waste generated at the facility consists of distillation bottoms, scrubber wastewater, spent activated carbon, spent NDPA filters, contaminated personal protection equipment (PPE), incinerator's fly ash and contaminated waste oil. (EPA Waste Codes D001, D002, D005, D007, D018, D036, D039, D040, F005, K083, K104, U012, U019, U169, and U220. In the incinerator, FCC burned listed hazardous wastes K083 (distillation bottoms from aniline production) and K104 (combined wastewater streams generated from nitrobenzene/aniline production); and hazardous waste contaminated used oil. Only on-site generated waste is permitted to be burned in the incinerator. FCC reported that they were operating under the following NAICSs codes:

325120 – Industrial Gas Manufacturing
325194 – Cyclic Crude, intermediate, and gum and wood chemical manufacturing
325998 - All Other Miscellaneous Chemical Product and Preparation Manufacturing

FCC is a wholly owned subsidiary of the Chemours Company (Chemours). FCC produced a wide range of intermediate and specialty chemical products. Primary products manufactured at the facility were aniline, nitrobenzene (NNB), fluorosurfactants (Capstone™ and Forafac™) and NDPA. These products are used by other industries as raw materials to manufacture goods and end user products. Aniline is used as an ingredient to make industrial and automotive insulation. NNB is used as feed stock to make aniline and as a pharmaceutical ingredient. Capstone™ and

Forafac™, which are produced intermediately are used as ingredients in fire-fighting foam products. NDPA is used as ingredient in industrial lubricants, greases, and engine oils.

FCC ceased all production operations in December 2020. FCC underwent extensive waste and product removal through March 2021 and shipped off its last hazardous waste in January 2022. FCC was sold by Chemours in July 2022 and is in preparations to begin operations as FCC/Oleo-x. The new company is in the process of refurbishing several units to begin refinement of soybean oil into a precursor for aviation fuel.

10) Opening Conference

On July 12, 2022, EPA inspector Alan Newman, accompanied by Mississippi inspector William Rider, arrived at FCC at approximately 8:15 a.m. Joe Wildman, Plant Operations, immediately received the inspectors. Joe Wildman, and the inspectors were joined by Greg Hust, Mike Ivy from Oleo-x, and Rick Sumerall from Allen Engineering and Science, for the opening conference. The inspectors introduced themselves, showed their credentials to Joe Wildman, Greg Hust, Mike Ivy, and Rick Sumerall, and explained the purpose of the visit. The inspectors described the anticipated use of equipment (digital camera) during the inspection and provided a request for records. The inspectors discussed the company's ability, pursuant to 40 C.F.R. § 2.203, to assert a business confidentiality claim for information submitted to the EPA. The company did not assert a business confidentiality claim. The inspection participants also discussed health and safety protocols and required personal protective equipment before Joe Wildman led the inspectors on a tour of the Facility operations.

Joe Wildman, Greg Hust, and Rick Sumerall provided an overview of the facility's history and current operations during the opening conference. The company appears to meet the Small Business Regulatory Enforcement Fairness Act's classification of a "small business," which is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. A copy of the agency's information sheet for small businesses can be found at <https://www.epa.gov/compliance/small-business-resources-information-sheet>.

11) Findings

According to documentation provided during the inspection, in November 2020, FCC notified MDEQ of its intention to cease production at the end of 2020. On March 3, 2021, FCC submitted a notification of closure estimated to be completed in November 2021. On August 31, 2021, FCC submitted a Closure Report to document the closure activities conducted at the facility in 2020 and 2021. Information regarding tank cleanouts was requested at the time of the inspection but was not available at the time of finalization of this CEI report.

The legacy items documented in the closure report included:

1. Continued operation of the groundwater collection and treatment system under a modified Pretreatment Permit MSP090360,
2. Documentation of remediation of a historic benzene release (this information was requested at the time of the inspection but not made available at the time of the finalization of this CEI report), and

3. Planned future notification for termination of three permits:
 - a. The State of Mississippi Air Title V Operating Permit 1280-00022,
 - b. Industrial Storm Water General Permit MSR110075, and
 - c. TSD Hazardous Waste Operating Permit MSD033417031.

The inspection team toured the facility and observed the four permitted hazardous waste tanks, the permitted incinerator, and approximately 20 locations formerly identified as satellite accumulations areas (SAAs) including the Truck Loading Shed, Unit #2 Nitration, Unit #2 Aniline Plant, Unit #7 NDPA, Phenol Extraction Plant, Aniline Workers Shack, Nitration Process Laboratory, Change House, Carbon Treatment, Effluent Treatment, Mega Lab, QC Lab, Nitric Acid Plant, the Electric Shop, and the Pipe Shop. These areas primarily were accumulating person protective equipment. The hazardous waste tanks were empty and disconnected from piping (Photos 1-2). The incinerator was functionally dismantled (Photos 3-5). The SAAs containers had been removed.

- The Warehouse

The inspection team noted ten waste aerosol cans being stored in a 5-gallon plastic container outside the warehouse in a clamshell. This container was not labeled or closed (Photo 6). The inspection team noted that portable fire extinguishers had not been inspected since February 2021, over a year.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (i) with the words “Hazardous Waste” and (ii) with an indication of the hazards of the contents.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to Permit Condition II.H.2, the Permittee shall test and maintain the equipment specified in Permit Condition II.H.1, as necessary, to assure its proper operation in time of emergency as required by MHWMR 264.33.

The inspection team noted one used battery being stored onsite on the day of the inspection. This battery was not labeled and was not dated.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.21 [40 C.F.R. § 273.14(a)], a SQHUW must label or mark each Universal Waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: “Universal Waste - Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.21 [40 C.F.R. § 273.15(a) and (c)], a SQHUW may accumulate universal waste no longer than one year and must be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

Lead acid batteries were also being stored at the site and were being managed under 40 CFR Part 266 (Photo 7).

- Facility Areas

The inspection team noted multiple process tanks that were empty and open during the inspection (Photo 8). The inspection team noted the closed #3 lagoon appeared to be free of debris and trees and neatly mowed (Photo 9). The inspection team noted supersacks of copper oxide being stored on site (Photo 10). Facility representatives stated that these containers were being shipped off site for metals reclamation. Near the incinerator, the inspection team noted RCRA Subpart BB tagging on the lines leading to the incinerator (Photos 11-12).

- Near East Drum Storage

The inspection team noted one 55-gallon container labeled “Shoveled up carbon” near the East Drum Storage area. At the time of the inspection, the facility did not appear to have made a hazardous waste determination on this material. On August 12, 2022, an FCC representative documented that this container contained waste. FCC personnel stated that this container was labeled with a hazardous waste label. FCC representatives stated that the accumulation start date was the day prior to the inspection. This material was containerized from loose material on the carbon pad. FCC personnel stated that there were no weekly inspections being conducted in this area.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 261.2], must make an accurate determination as to whether that waste is a hazardous waste to ensure wastes are properly managed according to applicable RCRA regulations articulated in [40 C.F.R. § 262.11].

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.21 [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the following: the words “Hazardous Waste”; an indication of the hazards of the contents; and the date upon which each period of accumulation begins clearly visible for inspection on each container.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.21 [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

- Laboratory

The inspection team toured the laboratory areas and noted two empty containers connected to laboratory equipment (Photos 15-16).

- Future Plans

Facility personnel stated that FCC plans to begin operations initially using units 2 and 6 for degumming and units 6 and 7 for bleaching to process soybean oil by degumming and bleaching the product to remove contaminants. Further refinement of the oil will occur off site.

- Records Review

At the time of the inspection, the inspectors requested the RCRA Permit and permit application, RCRA Permit Renewal, the daily and weekly inspection records, training records, the contingency plan, the biennial reports, the waste minimization plan, financial assurance documentation, waste profiles, and the 2020-2022 hazardous, non-hazardous, and used oil manifests and bills of lading. The generator status notification (EPA Form 8700-12) was last updated February 22, 2022. The facility was unable to provide these records on the day of the inspection.

The inspection team asked to see the current Part A application, the RCRA permit, the RCRA Permit application, the daily and weekly inspection records, written assessment of the tank system's integrity, waste minimization records, and the training records. FCC provided copies of the Permit and the Permit application during a MS Teams meeting on August 18, 2022.

Pursuant to Permit Condition I.F.7. Duty to Provide Information: The Permittee shall furnish to the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this Permit. [MHWMR 264.74(a), 270.30(h)]

Pursuant to Permit Condition I.F.9.b The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, the certification required by MHWMR 264.73(b)(9), and records of all data used to complete the application for this Permit for a period of at least 3 years from the date of the sample, measurement, report, record, certification, or application. These periods may be extended by request of the Director at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility. [MHWMR 264.74(b) and 270.30(j)(2)]

Inspection records were identified during the August 28, 2022, MS Teams meeting for calendar year 2021 but were not available for review at the time of finalization of this CEI report. FCC stated they would copy the inspection records and email them to the inspectors. There was some

hesitation to send the inspectors the records because they belong to the previous owners of FCC. No inspection records were provided or identified the location for the calendar year 2020.

Pursuant to Permit Condition I.K, the Permittee shall maintain at the facility until closure is completed and certified by independent, registered professional engineer, the following documents, and all amendments, revisions, and modifications to these documents: I.K.2. Inspection schedules, as required by MHWMR 264.15(b)(2) and this Permit.

Pursuant to Permit Condition II.D. General inspection requirements: The Permittee shall follow the inspection schedule set out in Permit Attachment II.3. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by MHWMR 264.15(c). Records of inspection shall be kept, as required by MHWMR 264.15(d).

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.21 [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

Pursuant to Permit Condition III.F. Inspection schedules and procedures: III.F.1. The Permittee shall inspect the tank systems, in accordance with the Inspection Schedule, Permit Attachment II.3, and shall complete the items in Permit Conditions III.F.2 and III.F.3 as part of those inspections. III.F.4. The Permittee shall document compliance with Permit Condition III.F and place this documentation in the operating record for the facility. [MHWMR 264.195(d)].

Pursuant 40 CFR 264.195(h), the owner or operator must maintain on file at the facility a record of the results of the assessments conducted in accordance with paragraphs (a) through (c) of this section.

Pursuant to Permit Condition V.E. Inspection requirements: The Permittee shall inspect the incineration unit in accordance with the Inspection Schedule, Permit Attachment II.3, and shall complete the following as part of these inspections: V.E.1. The Permittee shall thoroughly, visually inspect the incinerator and associated equipment (including pumps, valves, conveyors, pipes, etc.) For leaks, spills, fugitive emissions, and signs of tampering. [MHWMR 264.347(b)].

Pursuant to Permit Condition V.I. Recordkeeping: V.I.1. The Permittee shall record and maintain, in the operating record for this permit, all monitoring and inspection data compiled under the requirements of this Permit. [MHWMR 264.73 and 264.347(d)].

Pursuant to Permit Condition III.G.5. The Permittee shall keep on file at the facility the written assessment of the tank system's integrity. [MHWMR 264.191(a)].

Pursuant to Permit Condition VII.E. Inspections: The Permittee shall inspect the components, structures, and equipment at the site in accordance with the Inspection Schedule, Permit Attachment II.3. [MHWMR 264.117(a)(1)(ii)].

Pursuant to 40 CFR 264.15(d), the owner or operator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

Records for training and waste minimization were unavailable on the day of the inspection and had not been provided as of the finalization of this CEI report.

Pursuant to Permit Condition I.K. Documents to be maintained at the facility: The Permittee shall maintain at the facility, until closure is completed and certified by an independent, registered professional engineer, the following documents and all amendments, revisions, and modifications to these documents: I.K.3. Personnel training documents and records, as required by MHWMR 264.16(d) and this Permit.

Pursuant to Permit Condition II.E, the Permittee shall conduct personnel training, as required by MHWMR 264.16. This training program shall follow the attached outline, Permit Attachment II.4. The Permittee shall maintain training documents and records, as required by MHWMR 264.16(d) and (e).

Pursuant to Permit Condition VIII.B.1. Annually, the Permittee shall submit a certification report of the types and quantities of waste generated, and the types and quantities of waste reduced/minimized. This certified report shall include a narrative study explaining the waste generation and minimization data, a description of goals and progress made in reducing/minimizing the generation of wastes, and a description of any impediments to the reduction and minimization of waste.

Pursuant to Permit Condition VIII.B.2. The Permittee shall maintain copies of this certification in the facility operating record as required by Permit Condition II.K.1.

The inspection team asked for the annual reports for 2019 to present and none were onsite or available as of the finalization of this CEI report.

Pursuant to Permit Condition II.K. Record Keeping and Reporting - In addition to the record keeping and reporting requirements specified elsewhere in this Permit, the Permittee shall do the following: II.K.2. Annual Report - The Permittee shall comply with the annual reporting requirements of MHWMR 264.S1.

The actions that facility personnel should take in response to an emergency are described in the facility's RCRA Hazardous Waste Contingency Plan, which was last updated in November 2019. The plan describes actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. The plan describes arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or the Local Emergency Planning Committee.

The plan does not list the names and emergency telephone numbers for persons identified as emergency coordinators. Joe Wildman is listed as the primary emergency coordinator, and the other individuals are not listed in the order in which they will assume responsibility as alternates. The plan includes a list of all emergency equipment at the facility. The list includes fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment. The list appears to be up to date. The plan includes the location and a physical description of each item on the list, and a brief outline of its capabilities. The plan includes an evacuation plan for personnel. This plan describes signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

There was no documentation that a copy of the RCRA Hazardous Waste Contingency Plan was recently submitted to the police department, fire department, hospital, State and local emergency response teams and the Local Emergency Planning Committee. The Facility did not have a quick reference guide associated with the facility and its contingency plan.

Pursuant to Permit Condition II.I.2. Copies of Plan - the Permittee shall maintain a copy of the Contingency Plan at the facility and shall provide a copy to all police departments, fire departments, hospitals, and State and local emergency response teams that may be asked to provide emergency assistance, as required by MHWMR 264.53.

Pursuant to Permit Condition II.I.3, the permittee shall review and immediately amend, if necessary, the Contingency Plan, as required by MHWMR 264.54.

Pursuant to Permit Condition II.I.4, the names, addresses, and phone numbers of all persons qualified to act as emergency coordinators shall be supplied to the Director at the time of certification. [MHWMR 264.52(d)].

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.21 [40 C.F.R. § 262.17(a)(6)], which incorporates 11 Miss. Admin. Code Pt. 3, R. 1.21 [40 C.F.R. § 262.262(b)], and is a condition of the LQG Permit Exemption, a generator is required to maintain (b) A large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section.

The inspectors reviewed available hazardous waste manifest records and land disposal restriction forms for shipments of hazardous waste sent since 2019. Hazardous waste manifest records show that D018, D036, F005, K083, K104, U012, U019, U169, U220 hazardous waste Benzene, 2, 4-Dinitrophenol are routinely shipped to Chemical Waste Management, Inc. (EPA ID ALD000622464), and the most recent shipment was made on January 31, 2022.

The inspection team requested to review the operating records. The operating record was not available.

Pursuant to Permit Condition I.K. Documents to be maintained at the facility: The Permittee shall maintain at the facility, until closure is completed and certified by an independent, registered professional engineer, the following documents and all

amendments, revisions, and modifications to these documents: I.K.5. Operating record, as required by MHWMR 264.73 and this Permit.

Chemours has not transferred the permit to FCC/Oleo-x. Transfer documentation was signed on July 11, 2022, by Oleo-x. As of the finalization of the CEI report, Chemours has not yet signed the appropriate paperwork to transfer the permit to FCC/Oleo-x.

Pursuant to Permit Condition I.F.12. Transfer of Permits: This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to MHWMR Parts 270.41(b)(2) or 270.42(d). Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of MHWMR Parts 124, 264 and 270 and this Permit. [MHWMR 270.30(l)(3), 264.12(c)].

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.21 [40 C.F.R. § 270.40(a-b)], a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under § 270.40(b) or § 270.41(b)(2)) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act and (b) Changes in the ownership or operational control of a facility may be made as a Class 1 modification with prior written approval of the Director in accordance with § 270.42 or as a routine change with prior approval under 40 CFR 124.213. The new owner or operator must submit a revised permit application no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the Director. When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of 40 CFR part 264, subpart H (Financial Requirements) until the new owner or operator has demonstrated that he or she is complying with the requirements of that subpart. The new owner or operator must demonstrate compliance with subpart H requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the Director by the new owner or operator of compliance with subpart H, the Director shall notify the old owner or operator that he or she no longer needs to comply with subpart H as of the date of demonstration.

The inspection team asked for the financial documentation and the facility was not able to provide it.

Pursuant to Permit Condition I.K. DOCUMENTS TO BE MAINTAINED AT THE FACILITY: The Permittee shall maintain at the facility, until closure is completed and certified by an independent, registered professional engineer, the following documents and all amendments, revisions, and modifications to these documents:

I.K.8. Annually adjusted cost estimate for facility closure, post-closure and corrective action as required by MHWMR 264.142(d), 264.144(d), and this Permit.

I.K.9. A valid financial assurance mechanism for closure required by MHWMR Part 264.143 and this permit.

I.K.10. A valid financial assurance mechanism for liability coverage of sudden occurrences, in the amounts of at least one million dollars per occurrence, two million dollars annual aggregate, as required by MHWMR Part 264.147 and this permit.

12) Closing Conference

The inspectors conducted the exit meeting at 4:40 p.m. with Joe Wildman, Greg Hust, Mike Ivy, Richard Sumerall, and John Ruggles. During this meeting, the inspectors stated their preliminary conclusions of the inspection. FCC agreed to provide inspection records, training records, as soon as possible. On August 12, 2022, Joe Wildman stated that some records were available for review via MS Teams meeting as requested. He also stated that some of the records had already been sent off site for long term storage by the previous owner. FCC provided documentation that they were able to recall soft copies of the permit and part A and B of the permit application during an MS Teams meeting on August 18, 2022, to Alan Newman and William Rider.

13) List of Appendices

Appendix 1 – Photo Log:
Seventeen Photos taken on: July 12, 2022
Photos taken by: Alan Newman
Photos taken with: Panasonic Lumix
EPA Property Tag: S75870

14) Signed

Alan Newman
Environmental Engineer

Date

Concurrence

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date